

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

**Amended
Order of Restitution**

v.

DRAGOS DIACONU,
CLAUDIU COSTINEL MIHAI,
MADLIN ALEXANDRU ANCA,
CLAUDIU VADUVA,
GABRIEL ORZANICA,
RAUL IONUT VIDRASAN,
ROBERT DUCZON,
VALENTIN PETRESCU,
ANDREI RAZVAN RUSU,
CRISTIAN ULMANU, and
ALEXANDRU IORDACHE,

19 Cr. 651 (LTS)

Defendants.

Upon the application of the United States of America, by its attorney, Damian Williams, United States Attorney for the Southern District of New York, Elizabeth A. Hanft, Samuel P. Rothschild, and Robert B. Sobelman, Assistant United States Attorneys, of counsel; the presentence reports for the Defendants; the Defendants' convictions and all other proceedings in this case; and without objection from the Defendants, it is hereby ORDERED that:

1. Amount of Restitution

Defendants shall pay restitution in the amounts set forth in Part 1.A below, pursuant to 18 U.S.C. §§ 3663, 3663A, to the victims of the offenses with which they have been convicted in this case. The names, addresses, and specific amounts owed to each victim are set forth in the Schedule of Victims, attached hereto as Schedule A. Upon advice by the United States Attorney's Office of a change of address of a victim, the Clerk of the Court is authorized to send payments to the new address without further order of this Court. This Amended Consent Order of Restitution

supersedes the restitution orders previously entered as to the Defendants, which are referenced in Part 1.A below.

A. Joint and Several Liability

Restitution is joint and several with any defendant ordered to make restitution for the offenses in this matter under 19 Cr. 651 (LTS), up to a total of \$8,787,345.50. Each Defendant's liability for restitution shall continue unabated until either the Defendant has paid the apportioned amount set forth below, or every victim has been paid the total amount of loss from all the restitution paid by the Defendants in this matter.

Defendant	Apportioned Amount of Restitution	Prior Restitution Order
Dragos Diaconu	\$553,424.00	Dkt. No. 296
Claudiu Costinel Mihai	\$861,900.81	Dkt. No. 371
Madlin Alexandru Anca	\$553,424.00	Dkt. No. 520
Claudiu Vaduva	\$973,962.00	Dkt. No. 594
Gabriel Orzanica	\$359,043.02	Dkt. No. 605
Raul Ionut Vidrasan	\$1,484,793.81	Dkt. No. 678
Robert Duczon	\$1,427,992.86	Dkt. No. 705
Valentin Petrescu	\$2,653,448.38	Dkt. No. 716
Andrei Razvan Rusu	\$1,184,111.64	Dkt. No. 829
Cristian Ulmanu	\$2,715,910.00	Dkt. No. 835
Alexandru Iordache	\$1,947,148.92	Dkt. No. 862

B. Apportionment Among Victims

Pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid. Restitution shall be paid to the victims identified in the Schedule of Victims, attached hereto as Schedule A, on a pro rata basis, whereby each payment shall be distributed proportionally to each victim based upon the amount of loss for each victim, as set forth more fully in Schedule A.

2. Schedule of Payments

Pursuant to 18 U.S.C. § 3664(f)(2), in consideration of the financial resources and other assets of the Defendants, including whether any of these assets are jointly controlled; projected earnings and other income of the Defendants; and any financial obligations of the Defendants; including obligations to dependents, the Defendants shall pay restitution in the manner and according to the schedule that follows:

In the interest of justice, restitution shall be payable in installments pursuant to 18 U.S.C. § 3572(d)(1) and (2). While serving the term of imprisonment, the Defendants shall make installment payments toward his restitution obligation, and may do so through the Bureau of Prisons' (BOP) Inmate Financial Responsibility Plan (IFRP). Pursuant to BOP policy, the BOP may establish a payment plan by evaluating the Defendants' six-month deposit history and subtracting an amount determined by the BOP to be used to maintain contact with family and friends. The remaining balance may be used to determine a repayment schedule. BOP staff shall help the Defendants develop a financial plan and shall monitor the inmate's progress in meeting his restitution obligation. Any unpaid amount remaining upon release from prison will be paid in installments in an amount equal to ten percent of the Defendants' gross income on the first of each month.

If the Defendants default on the payment schedule set forth above, the Government may pursue other remedies to enforce the judgment.

3. Payment Instructions

The Defendants shall make restitution payments by certified check, bank check, money order, wire transfer, credit card or cash. Checks and money orders shall be made payable to the “SDNY Clerk of the Court” and mailed or hand-delivered to: United States Courthouse, 500 Pearl Street, New York, New York 10007 - Attention: Cashier, as required by 18 U.S.C. § 3611. The Defendants shall write his name and the docket number of this case on each check or money order. Credit card payments must be made in person at the Clerk’s Office. Any cash payments shall be hand delivered to the Clerk’s Office using exact change, and shall not be mailed. For payments by wire, the Defendants shall contact the Clerk’s Office for wiring instructions.

4. Additional Provisions

The Defendants shall notify, within 30 days, the Clerk of Court, the United States Probation Office (during any period of probation or supervised release), and the United States Attorney’s Office, 86 Chambers Street, 3rd Floor, New York, New York 10007 (Attn: Financial Litigation Unit) of (1) any change of the Defendant’s name, residence, or mailing address or (2) any material change in the Defendants’ financial resources that affects the Defendants’ ability to pay restitution in accordance with 18 U.S.C. § 3664(k). If a Defendant discloses, or the Government otherwise learns of, additional assets not known to the Government at the time of the execution of this order, the Government may seek a Court order modifying the payment schedule consistent with the discovery of new or additional assets.

5. Restitution Liability

The Defendants' liability to pay restitution shall terminate on the date that is the later of 20 years from the entry of judgment or 20 years after the Defendants' release from imprisonment, as provided in 18 U.S.C. § 3613(b). Subject to the time limitations in the preceding sentence, in the event of the death of the Defendants, the Defendants' estate will be held responsible for any unpaid balance of the restitution amount, and any lien filed pursuant to 18 U.S.C. § 3613(c) shall continue until the estate receives a written release of that liability.

6. Sealing

Consistent with 18 U.S.C. §§ 3771(a)(8) & 3664(d)(4) and Federal Rule of Criminal Procedure 49.1, to protect the privacy interests of victims, the Schedule of Victims, attached hereto as Schedule A, shall be filed under seal, except that copies may be retained and used or disclosed by the Government, the Clerk's Office, and the Probation Office, as need be to effect and enforce this Order, without further order of this Court.

SO ORDERED:

/s/ Laura Taylor Swain
HONORABLE LAURA TAYLOR SWAIN
CHIEF UNITED STATES DISTRICT JUDGE

1/24/2022
DATE